



# REEVES COUNTY LIBRARY

315 S. Oak St.  
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[library@reevescounty.org](mailto:library@reevescounty.org)  
[www.reevescountylibrary.org](http://www.reevescountylibrary.org)

## Letter of Appeal

September 16, 2019

Billed Entity Name: Reeves County Library  
BEN: 142080  
Funding Year: 2017  
Form 471#: 171044539  
FRN: 1799101416 and 1799103551  
Invoice Number: 2936866

**CONTACT PERSON:** James Mahoney, Library Director

### APPEAL RATIONALE:

It is our understanding that invoice 2936866 was denied because the applicant did not submit the BEAR Form 472 by the deadline. The library experienced 3 changes in staff and lacked a general understanding of the process because we are new to E-rate which resulted in 498 and BEAR PIN requests dated 3/15/18, 10/29/18, 5/15/19, 5/21/19. We finally attempted to file the BEAR Form 472 on 5/28/19 but the Form 472 ultimately did not get certified until 7/10/19. The library thought that we had certified the BEAR but didn't realize our 498 was not "Approved" at the time the BEAR Form 472 was submitted on 5/28/19. The BEAR system will not allow an applicant to file a BEAR unless the status of the Form 498 is APPROVED.

The library did not receive our BEAR notification letter and therefore did not know that the BEAR had been denied. We requested a copy of the BEAR notification letter on 8/26/19 and then learned that the BEAR had been denied because it was submitted after the deadline.

This library is new to the E-rate process, and this combined with staff changes and confusion about the Form 498 process caused our delay in filing the BEAR. We are asking for the following relief:

The library requests waiver of the invoice deadline and a 60 to 120-day extension to allow for the library to submit a new BEAR.



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We believe that the decision to "zero-fund" Invoice 2936866 would create an undue hardship on the library which would prevent us from bringing advanced telecommunications and information services to our patrons. Please note FCC Order 08-23385 when reviewing this appeal. In this order, the FCC granted 20 appeals of decisions by USAC denying funding because it found that the invoice forms, either Form 472 or Form 474, were untimely filed. Eighteen of those appeals involved the untimely filing of Form 472 where petitioners asserted that staff changes or inadvertent errors by the applicant's staff resulted in incorrect information being submitted on a timely basis. Based on the facts and circumstances the FCC found good cause existed to grant these appeals. They felt petitioners made good faith effort to comply with programmatic rules. Moreover, they emphasized the applicants missed a procedural deadline and did not violate a substantive rule. In the *Bishop Perry Order*, the FCC found that, under certain circumstances, rigid adherence to certain E-rate rules and requirements which are "procedural" in nature does not promote the goals of section 254 of the Act. This is especially true in this case.

Thank you for your consideration of the appeal.

James Mahoney, MDiv, MLS  
Director, Reeves County Library